



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
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Governor

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September 23, 2002

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FCC - MAILROOM

DAVID SAMSON
Attorney General

DOUGLAS K. WOLFSON
Assistant Attorney General
Director

OVERNIGHT DELIVERY

Honorable Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ms. Irene Flannery
Universal Service Administrative Company
2120 L Street, NW - Suite 600
Washington, DC 20037

Re: I/M/O Federal-State Joint Board on Universal Service
CC Docket No. 00-256

Certification of Use of High Cost Support:
Warwick Valley Telephone Company

Dear Ms. Dortch and Ms. Flannery:

On behalf of the New Jersey Board of Public Utilities (Board), enclosed are an original and five (5) copies of a Board Order of Approval, in which the Board certifies that Warwick Valley Telephone Company (Warwick) shall use the high cost universal service funds it receives during 2002 consistent with Federal law. This letter and the enclosed Order are submitted in compliance with the certification requirements set forth in 47 C.F.R. §54.314. Please file-stamp and return a copy of this filing in the enclosed return envelope.

The Board's certification reflects the June 20, 2002 sworn affidavit of Herbert Gareiss, Jr., Vice President of Warwick, in which he states the following:

Warwick Valley Telephone Company hereby certifies that it will only use the federal high-cost universal service support it receives during 2003 for the provision, maintenance, and upgrading of facilities and service for which such support is intended, as

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September 23, 2002
Page 2

required by §254(e) of the Telecommunications Act of 1996 and
47 C.F.R. §54.101 et seq.

Respectfully submitted,

DAVID SAMSON
Attorney General of New Jersey

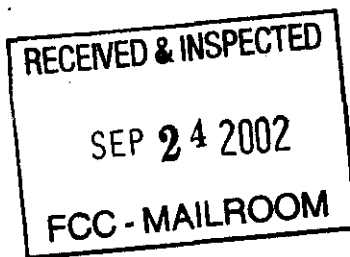
By:


Eugene P. Provost
Deputy Attorney General

Enclosure

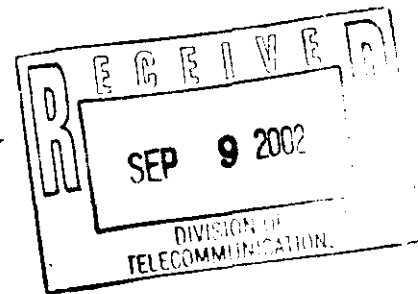
copy (w/enc.):

Martin C. Rothfelder, Esq.
Herbert Gareiss, Jr.
Lawanda R. Gilbert, Esq.
Anthony Centrella, BPU
Bruce Gallagher, BPU
Gina Conlon (Dkt. No. TO0109575)



Agenda Date: 9/4/02
Agenda Item: 4B

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us



TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF WARWICK
VALLEY TELEPHONE COMPANY FOR
CERTIFICATION WITH REGARD TO THE USE OF
UNIVERSAL SERVICE SUPPORT

ORDER OF APPROVAL

DOCKET NO. TO01090575

(SERVICE LIST ATTACHED)

BY THE BOARD:

On June 28, 2002, pursuant to 47 C.F.R. §54.314, Warwick Valley Telephone Company (Warwick) filed a verified petition with the Board of Public Utilities (Board) requesting certification that Warwick's use of Universal Service Support funds (USS) is consistent with the purposes for which such funds may be used, according to Federal law. This certification must be filed with the Federal Communications Commission (FCC) by October 1, 2002, in order for Warwick to receive its full allocation of funds under requirements imposed by the FCC. Warwick has also requested expedited treatment of this matter.

Warwick is an incumbent local exchange carrier (ILEC) providing telecommunications services to customers in the Township of Vernon, County of Sussex, and Township of West Milford, County of Passaic, New Jersey, and the towns of Warwick and Goshen, New York. Warwick provides service to approximately 28,200 access lines, of which approximately 10,300 are in New Jersey. Warwick is a rural telephone company as defined by the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. §§151 et seq.) (hereinafter, the Act). See 47 U.S.C. §153(37). The Board has previously certified Warwick as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. §214(e). See Order of Approval, I/M/O a Petition by Warwick Valley Telephone company for Designation as an Eligible Telecommunications Carrier Under the Telecommunications Act of 1996, Docket No. TO97080587 (November 25, 1997). Under the Act, certification as an Eligible Telecommunications Carrier is necessary in order to receive federal Universal Service Support. 47 U.S.C. §254(e).

The FCC's rules at 47 C.F.R. §54.314(a) require that, in order for Warwick to receive USS funds, the Board must file an annual certification with the USS fund administrator and the FCC stating that "all federal high-cost support provided to [Warwick] will be used only for the provision, maintenance and upgrading of facilities and service for which the support is intended." Pursuant to 47 C.F.R. §54.314(d), the Board's annual certification must be filed with

the administrator and the FCC by October 1, 2002 in order for Warwick to receive USS fund support for 2003.

By previous Order dated September 27, 2001 at Docket No. TO01090575, the Board certified Warwick's use of USS funds in order for Warwick to receive support in 2002. In that Order, the Board stated:

Because state certification is now required on an annual basis, and in order to ensure continued use of universal support funds in a manner consistent with federal law, the Board DIRECTS Warwick to submit to the Board, no later than July 1st and January 1st of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with federal law, including, but not limited to, compliance with the FCC's required uses of universal support funds. The Board FURTHER DIRECTS Warwick to file its future requests for Board certification no later than July 1st of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service territory. Such notice shall be reviewed by Staff prior to its publication.

By letter dated April 1, 2002, Warwick provided auditable information as of December 31, 2001 on Warwick's use of USS funds, in the same format and using the same accounting method that Warwick used in filing its previous petition for certification, dated September 19, 2001, at Docket No. TO01090575. Warwick stated that, absent different format and accounting method determined by Board Staff, it intended to file, on a semi-annual basis, the same form of schedules as its support for obtaining the Board's future certifications on use of USS funds. Warwick also indicated that it would, absent extenuating circumstances, file schedules showing results as of March 31, 2002, which would be the latest information it would have compiled prior to the filing of this Petition.

In the April 1, 2002 letter, Warwick also submitted a form of newspaper publication of notice of filing in connection with this Petition.

Warwick has filed the following information with its petition:

Exhibit A – Cost Support Response Form prepared as of June 21, 2002 (schedules for 2002 pro forma and 2003 projected).

Exhibit B - Affidavit of Herbert Gareiss, Jr., Vice President of Warwick, certifying use of USS funds for 2003 will be for intended purposes under the Act.

Exhibit C - A copy of the proof of newspaper publication of this filing.

Warwick's petition includes an affidavit from Company Vice President Herbert Gareiss, Jr., in which Mr. Gareiss states the following:

Warwick Valley Telephone Company hereby certifies that it will only use the federal high-cost universal service support it receives during 2003 for the provision, maintenance, and upgrading of facilities and service for which such support is intended, as required by 47 C.F.R. §54.101.

[Warwick petition, Exhibit C].

Having reviewed the petition and the information submitted in support thereof, the Board HEREBY CERTIFIES that Warwick shall use the federal universal service support it receives during 2003 for the provision, maintenance and upgrading of facilities and service for which such support is intended, as required by Section 254(e) of the Telecommunications Act of 1996 and 47 C.F.R. §54.101 et seq.

Because state certification is now required on an annual basis, and in order to ensure continued use of universal support funds in a manner consistent with federal law, the Board DIRECTS Warwick to continue to submit to the Board, no later than July 1st and January 1st of each year, a report, in a manner and format to be determined by Staff, providing auditable information sufficient to determine Warwick's compliance with federal law, including, but not limited to, compliance with the FCC's required uses of universal service support funds.

The Board FURTHER DIRECTS Warwick to continue to file its future requests for Board certification no later than July 1st of each year, absent extenuating circumstances, and to simultaneously publish notice of the filing in newspapers of general circulation in its service territory. Such notice shall be reviewed by Staff prior to its publication.

In addition, the Board requests that the Attorney General's office provide, to the Secretary of the FCC, a letter transmitting this Order in compliance with certification requirements as set forth in 47 C.F.R. §54.314.

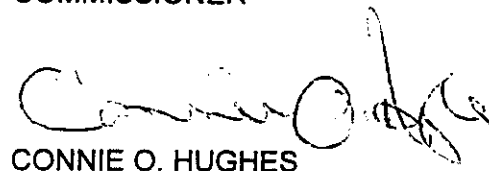
DATED: 9/5/02

BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

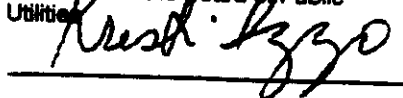

CAROL J. MURPHY
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



KRISTI IZZO

Service List

Docket No. TO0109575

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